

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

UNITED STATES DISTRICT COURT

***** DISTRICT OF NEVADA

ALFONSO MANUEL BLAKE,

Petitioner,

V.

AMENDED

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 3:09-CV-00327-RCJ-WGC

RENEE BAKER, et al.,

Respondents.

___ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

___ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that this action is DISMISSED without prejudice for failure to exhaust state remedies.

IT IS FURTHER ORDERED AND ADJUDGED that Petitioner is GRANTED a COA with respect to the following issue:

Whether the district court's ruling, that "as a matter of law a *Strickland* claim of ineffective assistance of post-conviction counsel cannot constitute good cause for failing to exhaust a claim in a federal habeas corpus action," was erroneous, where state law recognizes that ineffective assistance of post-conviction counsel does establish cause allowing a habeas petitioner to file a successive petition, but that right is restricted only to capital cases.

March 26, 2012

LANCE S. WILSON
Clerk

/s/Katie Lynn Ogden
Deputy Clerk